

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|------------------------|---|------------------|
| ELDON D. MARSH, |) | |
| |) | |
| Plaintiff, |) | 8:16CV555 |
| |) | |
| v. |) | ORDER |
| |) | |
| CORD BRUNDAGE, |) | |
| |) | |
| Defendant. |) | |

This matter comes before the court on Defendant’s Objection ([Filing No. 10](#)) to Plaintiff’s request for a trial in North Platte, Nebraska ([Filing No. 9](#)).

Upon removing the action to this court on December 20, 2017, Defendant requested trial in Omaha, Nebraska ([Filing No. 1 at p. 2](#)), in accordance with this district’s local rules. See NECivR [40.1](#)(b) (“[T]he removing party at the time of filing a petition for removal[] must request in writing trial in Omaha, Lincoln, or North Platte.”). On February 10, 2017, Plaintiff filed a “Demand,” requesting a jury trial be held in North Platte, Nebraska. ([Filing No. 9](#)).

This district’s local rules provide, “[T]he plaintiff in a removed action, within 14 days after service of the notice of removal, may file a written request for trial at Omaha, Lincoln, or North Platte.” NECivR [40.1](#)(b). “A request for a place different from that requested by the . . . removing party must be filed as a motion.” *Id.* In deciding the place of trial, “a judge considers the convenience of the litigants, witnesses, and attorneys.” NECivR [40.1](#)(b)(1). The party seeking to change the place of trial within this district bears the burden of establishing that the transfer should be granted. See NECivR [40.1](#)(b).

Plaintiff’s request for trial in North Platte did not comply with this the local rules set forth above. Nor did Plaintiff offer any reason or evidence in support of the request. Additionally, Defendant’s opposition to Plaintiff’s request demonstrates a trial in Omaha is

the more convenient location for the parties. In consideration of the above, the court finds that the place of trial should remain in Omaha at this time. Accordingly,

IT IS ORDERED: Defendant's Objection ([Filing No. 10](#)) to Plaintiff's request for a trial in North Platte, Nebraska is granted.

DATED: February 14, 2017.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge